

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James Kermitt Hardy

Docket No. 5:08-CR-187-1-BO

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Kermitt Hardy, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 10, 2009, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

James Kermitt Hardy was released from custody on June 12, 2009, at which time the term of supervised release commenced. On October 28, 2009, the conditions of supervised release were modified to include mental health treatment. Due to illicit marijuana use, the conditions of supervised release were modified to include drug aftercare treatment on November 9, 2011. On January 31, 2012, the defendant's conditions were modified to include 6 months of home detention in response to failing to comply with substance abuse treatment and failing to maintain a stable residence.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 6, 2012, the defendant submitted a urine specimen which proved positive for marijuana. In an effort to deter future drug use, we are recommending that the conditions of supervised release be modified to include two days in jail and the DROPS Program, second use level. The defendant will continue to participate in counseling as directed.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two (2) days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 19, 2012

ORDER OF COURT

Considered and ordered this 21 day of September, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge